

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

STATE OF TEXAS; STATE OF UTAH; STATE
OF LOUISIANA; STATE OF FLORIDA;
ARIZONA STATE LEGISLATURE, BY AND
THROUGH PRESIDENT OF THE ARIZONA
SENATE WARREN PETERSEN AND
SPEAKER OF THE ARIZONA HOUSE OF
REPRESENTATIVES STEVE MONTENEGRO;
LAST ENERGY, INC.; DEEP FISSION, INC.;
and VALAR ATOMICS INC.;

Plaintiffs,

No. 6:24-cv-00507-JDK

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION,

Defendant.

JOINT STATUS REPORT

On May 1, 2025, the Court granted the parties' joint motion to stay this case until June 30, 2025, and ordered the parties to file a joint status report after 30 days. ECF No. 18.

On May 23, 2025, President Trump issued four executive orders designed to promote new sources of nuclear energy production in the United States. *See Exec. Order 14299, Deploying Advanced Nuclear Reactor Technologies for National Security*, 90 Fed. Reg. 22581 (May 29, 2025); Exec. Order 14300, *Ordering the Reform of the Nuclear Regulatory Commission*, 90 Fed. Reg. 22587 (May 29, 2025); Exec. Order 14301, *Reforming Nuclear Reactor Testing at the Department of Energy*, 90 Fed. Reg. 22591 (May 29, 2025); Exec. Order 14302, *Reinvigorating the Nuclear Industrial Base*, 90 Fed. Reg. 22595 (May 29, 2025).

On June 23, 2025, the parties met to discuss potential next steps, and, on June 27, 2025, the parties filed a joint motion to stay this case for 90 additional days to facilitate further discussions regarding potential amicable resolution of this case. ECF No. 23.

The Court granted that motion on June 30, staying the case until September 29, 2025, and ordering the parties to file a joint status report by August 14, 2025. The parties are still in discussion, but expect that those conversations will reach a conclusion in the next several weeks.

Dated: August 14, 2025

Respectfully submitted,

[Signature Block on next page]

/s/ R. Trent McCotter

R. TRENT MCCOTTER*
Texas Bar No. 24134174
MICHAEL BUSCHBACHER*
JARED M. KELSON*
BOYDEN GRAY PLLC
800 Connecticut Ave NW,
Suite 900
Washington, DC 20006
(202) 955-0620
tmccotter@boydengray.com
*Counsel for Last Energy, Inc., Deep Fission, Inc.,
and Valar Atomics Inc.*

* *Pro hac vice*

DEREK BROWN
UTAH ATTORNEY GENERAL

/s/ Craig W. Anderson

CRAIG W. ANDERSON*
Assistant Attorney General
195 North 1950 West, 2nd Floor
Salt Lake City, Utah 84114-0873
Counsel for State of Utah

* *Pro hac vice*

/s/ Brunn Roysden

BRUNN (BEAU) ROYSDEN*
Arizona Bar No. 028698
Fusion Law, PLLC
7600 N. 15th St., Ste 150
Phoenix, Arizona 85020
(602) 315-7545
beau@fusion.law
Counsel for Arizona State Legislature

* *Pro hac vice*

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

AUSTIN KINGHORN
Deputy Attorney General for Legal Strategy

RYAN D. WALTERS
Chief, Special Litigation Division

Ryan G. Kercher
Deputy Chief
Texas Bar No. 24060998
ryan.kercher@oag.texas.gov

/s/ Kathleen T. Hunker
KATHLEEN T. HUNKER
Special Counsel
Texas Bar No. 24118415

GARRETT GREENE
Special Counsel
Texas Bar No. 24096217

OFFICE OF THE ATTORNEY
GENERAL OF TEXAS
Special Litigation Division
P.O. Box 12548, Capitol Station (MC-009)
Austin, Texas 78711-2548
Telephone: (512) 936-2275
Fax: (512) 457-4410
Counsel for State of Texas

ELIZABETH B. MURRILL
Attorney General of Louisiana

J. BENJAMIN AGUIÑAGA
Solicitor General
/s/ Kelsey L. Smith
KELSEY L. SMITH
Deputy Solicitor General
OFFICE OF THE ATTORNEY GENERAL
1885 N. 3rd St.
Baton Rouge, LA 70802
(225) 428-7432
SmithKel@ag.louisiana.gov

JILL C. CLARK*
General Counsel
Louisiana Bar. No. 33050
Louisiana Dep't of Environmental Quality
P.O. Box 4032
Baton Rouge, Louisiana 70821-4302
(225) 219-3985
Counsel for State of Louisiana

* *Pro hac vice*

/s/ Jeffrey Paul DeSousa
JAMES UTHMEIER
Attorney General
JEFFREY PAUL DESOUSA* (FBN110951)
Acting Solicitor General
CHRISTINE PRATT (FBN100351)
Deputy Solicitor General
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399
(850) 414-3300
jeffrey.desousa@myfloridalegal.com
Counsel for State of Florida

* *Pro hac vice*

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

JOSEPH E. BORSON
Assistant Branch Director

/s/ Liam C. Holland
LIAM C. HOLLAND
Trial Attorney
U.S. Department of Justice
Civil Division
Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20005
Tel.: (202) 514-4964
Fax: (202) 616-8470
E-mail: Liam.C.Holland@usdoj.gov

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2025, a true and correct copy of the foregoing was filed with the Court's CM/ECF system, which will provide service to all parties who have registered with CM/ECF and filed an appearance in this action.

Dated: August 14, 2025

/s/ R. Trent McCotter

R. Trent McCotter